

OPINION 1028

FALCO EXILIS TEMMINCK, 1830 (AVES) SUPPRESSED
UNDER THE PLENARY POWERS

RULING.—(1) Under the plenary powers the specific name *exilis* Temminck, 1830, as published in the binomen *Falco exilis*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The specific name *rufiventris* Smith, 1830, as published in the binomen *Accipiter rufiventris*, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2537.

(3) The specific name *exilis* Temminck, 1830, as published in the binomen *Falco exilis* and suppressed in (1) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology, with the Name Number 998.

HISTORY OF THE CASE (Z.N.(S.) 1956)

The present case was submitted to the office of the Commission by P. A. Clancey, the Chairman of S.A.O.S. List Committee, and four members of that Committee in January 1971. The application was sent to the printer on 18 March 1971 and was published on 8th December 1971 in *Bull. zool. Nomencl.* 28 : 114–116. Public Notice of the possible use of the plenary powers was given in the same part of the *Bulletin* and also to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* 21 : 184) and to ten ornithological serials. The application was supported by Dr. Dean Amadon.

DECISION OF THE COMMISSION

On 28 March 1974 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (74)3 either for or against the proposal set out in *Bull. zool. Nomencl.* 28 : 116. At the close of the voting period on 28 June 1974 the state of the voting was as follows:

Affirmative votes—nineteen (19), received in the following order: Vokes, Mayr, Simpson, Lemche, Willink, Eisenmann, Sabrosky, Tortonese, Melville, Corliss, Habe, Starobogatov, Alvarado, Binder, Bayer, Ride, Kraus, Nye, Rohdendorf.

Negative votes—three (3): Holthuis, Dupuis, Bernardi.

Voting Papers not returned—four (4): Brinck, Munroe, Erben, Heppell.

The following comments were made by Commissioners in returning their votes:

Dr. L. B. Holthuis (2.iv.1974): "It is perfectly clear from Smith's (1830) account that he had not the slightest intention of describing a new species, but only used the name *Falco rufiventris* Daudin in a new combination. I am informed that the specific name of the species is changed nowadays by many authors, as this South African sparrowhawk is considered by them a subspecies of *Accipiter nisus* (L.)."

Dr. C. Dupuis (7.v.1974): "Il me paraît impossible de transformer une erreur d'identification en description d'espèce nouvelle!"

Dr. G. Bernardi (15.vi.1974): "Décider que *rufiventris* Smith, 1830 est 'available even though Smith had no intention of publishing a new name' relève de la science-fiction (machine à remonter le temps). La Commission n'a pas à être complice de l'action contraire à l'éthique de Smith qui, après une erreur de détermination s'attribue en 1844 une priorité injustifiée sur Temminck, qu'il aurait dû rectifier lui-même".

ORIGINAL REFERENCES

The following are the original references for the names placed on the Official List and Index by the Ruling given in the present Opinion:

exilis, *Falco*, Temminck, 1830, *Planch. Color.*, livr. 84, pl. 496

rufiventris, *Accipiter*, Smith, 1830, *S. Afr. quart. J.* (1) 1830 (April-June)

CERTIFICATE

I certify that the votes cast on Voting Paper (74)3 were cast as set out above, and that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 1028.

R. V. MELVILLE
Secretary

International Commission on Zoological Nomenclature

London

24 July 1974